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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	Case No. 2:17-CR-00037
Plaintiff,	:	
v.	:	UNITED STATES' RESPONSE TO
	:	DEFENDANT'S UPDATED CONDITIONS
	:	RELATING TO TERMINAL ISLAND
CLAUD R. KOERBER,	:	
Defendant.	:	Judge Frederic Block
	:	Magistrate Judge Paul M. Warner

The United States respectfully submits this response to Defendant's updated conditions relating to Terminal Island.

Defendant's filing purports to provide updated information from news reports relating to the conditions at Terminal Island, the facility where Mr. Koerber is incarcerated. This filing, however, seeks to distract the Court from the relevant legal issue, which is whether Mr. Koerber has provided the Court with an "extraordinary and compelling" reason to have his sentence reduced. 18 U.S.C. § 3582(c). Under these circumstances, the "extraordinary and compelling" circumstance must be that Koerber himself has a (i) terminal illness, or (ii) is suffering from a "serious physical or medical condition . . . that substantially diminishes the ability of the

defendant to provide self-care within the environment of a correctional facility and from which he or she is not expected to recover.” USSG 1B1.13, cmt. n.1(A).

Mr. Koerber’s motion should be denied.

DATED this 14th day of May, 2020.

JOHN W. HUBER
United States Attorney

/s/ Tyler Murray
TYLER MURRAY
AARON CLARK
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